

SECTION 3. Sections 301.012(a) and (f), Business Organizations Code, are amended to read as follows:

(a) Persons licensed as doctors of medicine and persons licensed as doctors of osteopathy by the Texas ~~[State Board of]~~ Medical Board, ~~[Examiners and]~~ persons licensed as podiatrists by the Texas State Board of Podiatric Medical Examiners, *and persons licensed as chiropractors by the Texas Board of Chiropractic Examiners* may jointly form and own a professional association or a professional limited liability company to perform professional services that fall within the scope of practice of those practitioners.

(f) When doctors of medicine, osteopathy, ~~and~~ podiatry, *and chiropractic*, or doctors of medicine, osteopathy, and optometry or therapeutic optometry, or mental health professionals form a professional entity as provided by Subsections (a), (b), and (c), the authority of each of the practitioners is limited by the scope of practice of the respective practitioners and none can exercise control over the other's clinical authority granted by their respective licenses, either through agreements, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on March 22, 2017: Yeas 29, Nays 0; passed the House on May 24, 2017: Yeas 140, Nays 2, two present not voting.

Approved June 1, 2017.

Effective June 1, 2017.

**AUTHORITY AND LIABILITY OF OWNERS AND MANAGERS
OF APARTMENT HOUSES, MANUFACTURED HOME RENTAL
COMMUNITIES, CONDOMINIUMS, AND MULTIPLE USE
FACILITIES IN CHARGING TENANTS FOR SUBMETERED
AND NONSUBMETERED MASTER METERED WATER AND
WASTEWATER SERVICES**

CHAPTER 389

S.B. No. 873

AN ACT

relating to the authority and liability of owners and managers of apartment houses, manufactured home rental communities, condominiums, and multiple use facilities in charging tenants for submetered and nonsubmetered master metered water and wastewater services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 13.501, Water Code, is amended by adding Subdivisions (1-a) and (9) and amending Subdivision (5) to read as follows:

(1-a) *"Condominium manager" or "manager of a condominium" means a condominium unit owners' association organized under Section 82.101, Property Code, or an incorporated or unincorporated entity comprising the council of owners under Chapter 81, Property Code.*

(5) *"Owner" means the legal titleholder of an apartment house, manufactured home rental community, or multiple use facility and any individual, firm, or corporation expressly identified in a lease agreement as [that purports to be] the landlord of tenants in the apartment house, manufactured home rental community, or multiple use facility. The term does not include the manager of an apartment home unless the manager is expressly identified as the landlord in the lease agreement.*

(9) "Utility costs" or "utility service costs" means any amount charged to the owner by a retail public utility for water or wastewater service.

SECTION 2. Section 13.503, Water Code, is amended by adding Subsection (f) to read as follows:

(f) *This section does not limit the authority of an owner, operator, or manager of an apartment house, manufactured home rental community, or multiple use facility to charge, bill for, or collect rent, an assessment, an administrative fee, a fee relating to the upkeep or management of chilled water, boiler, heating, ventilation, air conditioning, or other building system, or any other amount that is unrelated to utility costs.*

SECTION 3. Section 13.5031, Water Code, is amended to read as follows:

Sec. 13.5031. NONSUBMETERING RULES. (a) Notwithstanding any other law, the utility commission shall adopt rules and standards governing billing systems or methods used by manufactured home rental community owners, apartment house owners, condominium managers, or owners of other multiple use facilities for prorating or allocating among tenants nonsubmetered master metered utility service costs. In addition to other appropriate safeguards for the tenant, those rules shall require that:

(1) the rental agreement contain a clear written description of the method of calculation of the allocation of nonsubmetered master metered utilities for the manufactured home rental community, apartment house, or multiple use facility;

(2) the rental agreement contain a statement of the average manufactured home, apartment, or multiple use facility unit monthly bill for all units for any allocation of those utilities for the previous calendar year;

(3) except as provided by this section, an owner or condominium manager may not impose additional charges on a tenant in excess of the actual charges imposed on the owner or condominium manager for utility consumption by the manufactured home rental community, apartment house, or multiple use facility;

(4) the owner or condominium manager shall maintain adequate records regarding the utility consumption of the manufactured home rental community, apartment house, or multiple use facility, the charges assessed by the retail public utility, and the allocation of the utility costs to the tenants;

(5) the owner or condominium manager shall maintain all necessary records concerning utility allocations, including the retail public utility's bills, and shall make the records available for inspection by the tenants during normal business hours; and

(6) the owner or condominium manager may charge a tenant a fee for late payment of an allocated water bill if the amount of the fee does not exceed five percent of the bill paid late.

(b) *This section does not limit the authority of an owner, operator, or manager of an apartment house, manufactured home rental community, or multiple use facility to charge, bill for, or collect rent, an assessment, an administrative fee, a fee relating to the upkeep or management of chilled water, boiler, heating, ventilation, air conditioning, or other building system, or any other amount that is unrelated to utility costs.*

SECTION 4. Section 13.505, Water Code, is amended to read as follows:

Sec. 13.505. RESTITUTION [ENFORCEMENT]. (a) *In this section, "overcharge" means the amount, if any, a tenant is charged for submetered or nonsubmetered master metered utility service to the tenant's dwelling unit after a violation occurred relating to the assessment of a portion of utility costs in excess of the amount the tenant would have been charged under this subchapter.*

(b) *The utility commission has exclusive jurisdiction for violations under this subchapter.*

(c) ~~If [In addition to the enforcement provisions contained in Subchapter K, if]~~ an apartment house owner, condominium manager, manufactured home rental community owner, or other multiple use facility owner violates a rule of the utility commission regarding utility costs, the person claiming the violation may file a complaint with the

utility commission. The utility commission and State Office of Administrative Hearings shall establish an online and telephone formal complaint and hearing system through which a person may file a complaint under this subchapter and may appear remotely for a hearing before the utility commission or the State Office of Administrative Hearings. If the utility commission determines that the owner or condominium manager overcharged a complaining tenant for water or wastewater service from the retail public utility, the utility commission shall require the owner or condominium manager, as applicable, to repay the complaining tenant the amount overcharged.

(d) Nothing in this section limits or impairs the utility commission's enforcement authority under Subchapter K. The utility commission may assess an administrative penalty under Section 13.4151 for a violation of this chapter or of any rule adopted under this chapter ~~[submetering of utility service consumed exclusively within the tenant's dwelling unit or multiple use facility unit or nonsubmetered master metered utility costs, the tenant may recover three times the amount of any overcharge, a civil penalty equal to one month's rent, reasonable attorney's fees, and court costs from the owner or condominium manager. However, an owner of an apartment house, manufactured home rental community, or other multiple use facility or condominium manager is not liable for a civil penalty if the owner or condominium manager proves the violation was a good faith, unintentional mistake].~~

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on April 20, 2017: Yeas 21, Nays 10; the Senate concurred in House amendments on May 25, 2017: Yeas 21, Nays 10; passed the House, with amendments, on May 21, 2017: Yeas 107, Nays 30, three present not voting.

Approved June 1, 2017.

Effective June 1, 2017.

ADOPTION OF THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

CHAPTER 390

S.B. No. 944

AN ACT

relating to the adoption of the Uniform Foreign-Country Money Judgments Recognition Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle C, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 36A to read as follows:

CHAPTER 36A. ENFORCEMENT OF JUDGMENTS OF OTHER COUNTRIES

Sec. 36A.001. **SHORT TITLE.** This chapter may be cited as the Uniform Foreign-Country Money Judgments Recognition Act.

Sec. 36A.002. **DEFINITIONS.** In this chapter:

(1) "Foreign country" means a government other than:

(A) the United States;

(B) a state, district, commonwealth, territory, or insular possession of the United States; or

(C) any other government with respect to which the decision in this state as to